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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,197	07/09/2003	Russell A. Gaudiana	8578-DIV	9664

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POLAROID CORPORATION  
Patent Department  
1265 Main Street  
Waltham, MA 02451

EXAMINER
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PHAM, HAI CHI

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/616,197	<b>Applicant(s)</b> GAUDIANA ET AL.	
	<b>Examiner</b> Hai C Pham	<b>Art Unit</b> 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12,13,15,16,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12,13,15,16,20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/09/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description: **Fig. 3B** does not include the reference sign "82" (light emitting surface of the color filter layer) as discussed in the specification at page 20, line 9. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

2. The following claims are objected to because of the following informalities:

#### Claim 20:

- Line 1, "of Claims 12" should read --of claim 12--;
- Line 10, "wherein said distance between the planar light emitting surface of the substrate and the light receiving surface of photosensitive material" (emphasis added) should read --wherein said distance between the planar light emitting surface of the wherein said distance between the planar light emitting surface of said at least one color filter array and the light receiving surface of said photosensitive material-- since the only distance being defined so far with respect

to the light receiving surface of the photosensitive material is that related to the color filter array.

Appropriate correction is required.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 12, 13, 15, 16, 20 and 21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-11 of U.S. Patent No. 6,525,758. Although the conflicting claims are not identical, they are not patentably distinct from each other because the dependent claim 7 of the U.S. Patent No. 6,525,758, which inherits all the limitations set forth in the parent claims 1-3, includes all the limitations recited in claims 12 and 13 of the current application, while claims 8, 9, 10/7 and 11/7 are equivalent to claims 15, 16, 20 and 21, respectively, of the current application.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 12, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Codama (U.S. 6,339,291).

Codama discloses an organic electroluminescent device for use an organic EL display or printhead (col. 12, lines 6-14), the device comprising a substantively transparent substrate (glass substrate 10) having a substantially planar light receiving surface oppositely spaced apart from and substantively parallel to a substantially planar light emitting surface, at least one of a plurality of triplets of elongated array of color filter elements (the matrix type organic EL device having 256X3 RGB filter elements 31, 32, 33), said color filter elements selectively transmitting radiation in a distinct range of wavelengths (primary colors R, G, B), having a substantially planar color filter light receiving surface oppositely spaced apart from and substantively parallel to substantially planar color filter light emitting surface (Fig. 8B), any color filter element in the array has a characteristic surface dimension which is substantially the same for all color filter elements in the array and from which a center point can be defined (each of the RGB color filters having same dimensions), said color filter being formed from at

least one color filter material (pigment dispersion type color filter), said at least one color filter material to form said at least one elongated color filter array being deposited onto and in effective light transmission relation to the light receiving surface of said substrate (Figs. 8A-B), at least one of a plurality of triplets of elongated array of individually addressable Organic Light Emitting Diode (OLED) elements (Fig. 12), said elements emitting light over a broad range of wavelengths, any OLED element in said at least one of a plurality of said elongated arrays has a characteristic surface dimension which is substantially the same for all OLED elements in the array and from which an OLED center point can be defined, said at least one OLED array being deposited onto and in effective light transmission relation to the light receiving surface of said at least one color filter array, the OLED center points for any said OLED array being substantially collinear and aligned with the respective color filter center points for the color filter array located in effective light transmission relation to that OLED array (the center point of each of the OLED array element in the triplet being aligned with the center point of the corresponding color filter array element in the triplet) (Fig. 12), wherein each OLED array in the triplet is in effective light transmission relation to the light receiving surface of one color filter array in the triplet thereby constituting an OLED color filter array set, each set in the triplet being aligned in substantially parallel spaced relation with respect to each other set in the triplet, each color filter array in each triplet being capable of transmitting radiation in a distinct wavelength range from the distinct wavelength range of the other two arrays, each triplet being aligned in substantially parallel spaced relation with respect to any other triplet.

With respect to claims 15 and 16, Codama teaches the color filter being an imageable material or colorant (pigment).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Codama in view of Suzuki et al. (U.S. 6,208,083).

Codama discloses all the basic limitations of the claimed invention except for the plurality of driver control circuits and means for electrically connecting the light emitting elements to the driver control circuits.

However, it is old and well known in the art that it is necessary to provide control circuits for driving organic EL devices as evidenced by Suzuki et al., which teaches a system for driving organic EL devices including a control circuit (1) along with the data electrode driving means (2b), scanning electrode driving means (2a), and electrical buses connecting each OLED element in the display matrix for selectively driving each OLED element along the horizontal and vertical lines.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the control circuits and the electrical

connections in the device of Codama as taught by Suzuki et al. The motivation for doing so would have been to selectively providing driving current to each OLED element.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on T-F (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (751) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HAI PHAM  
PRIMARY EXAMINER

February 17, 2004